

**LYNCHBURG CITY COUNCIL**  
**Agenda Item Summary**

MEETING DATE: **March 22, 2005, Work Session**

AGENDA ITEM NO.: 1

CONSENT:

REGULAR: **X**

CLOSED SESSION:  
(Confidential)

ACTION:

INFORMATION: **X**

ITEM TITLE: **Heritage High School – Addition of Athletic Fields**

RECOMMENDATION: No action is needed from Council on this matter.

SUMMARY: Heritage High School has submitted site plans to the Technical Review Committee (TRC) proposing the construction of athletic fields at 3020 Wards Ferry Road.

There was a question about the applicability of the development standards of Section 35.1-71(7) of the Zoning Ordinance, Schools, colleges, and vocational schools, which requires a two hundred (200) foot setback of all outdoor play areas from a residential zoning lot for such facilities “permitted by conditional use permit”. In an effort to address this question, Council member Dodson asked that the matter be placed on Council’s work session agenda. In the meantime, staff believes that it has resolved the matter in a way that allows the fields to be constructed.

Section 35.1-67.1 of the Zoning Ordinance, Public Uses, provides that public facilities needed to support the continued growth and prosperity of the City are permitted uses in all zoning districts. This section exempts City projects from public hearings and obtaining Conditional Use Permits from the City Council.

The athletic fields in question would have an approximate setback of seventy (70) feet from the adjacent residential zoning lot instead of the required two hundred (200) feet. It is the opinion of the schools engineer that meeting the development standards would make the project cost prohibitive. The adjacent parcel is zoned R-3, Medium Density Residential. However it is being used as a parking area for Verizon under a conditional use permit approved by the City Council on October 10, 2000.

Staff has reviewed this matter and the Zoning Administrator has opined that since Section 35.167.1 allows public uses by right in all zoning districts, the only standards that are applicable are those listed in Section 35.1-47, General Standards. In the case of public schools, the two hundred (200) foot setback is not required.

PRIOR ACTION(S): N/A

FISCAL IMPACT: N/A

CONTACT(S): Kim Payne/ 455-3990; Tom Martin/ 455-3909

ATTACHMENT(S): Section 35.1-67.1, Public Uses; Section 35.1-71, Schools, colleges, and vocational schools; Site Plan; Zoning Map; Colored Maps

REVIEWED BY: lkp

### **Sec. 35.1-67.1. Public uses.**

(a) It is the intention of the city to provide public facilities and services adequate to support the continued growth and prosperity of the city, and to that end it is necessary to allow public uses in all districts.

(b) Any provision in this ordinance to the contrary notwithstanding, a public use, including the expansion of an existing public use, shall be allowed as a use by right in all districts, except for the following public uses which shall only be permitted by conditional use permit:

(1) sanitary or solid waste facility, public - establishment of a new facility; and

(2) jail - establishment of a new facility.

(c) For purposes of this Section 35-1-67.1, the expansion of an existing public use shall include the extending or enlarging of a public use on contiguous land or land situated across a street or road from the existing public use. (Ord. No. O-92-142, 5-12-92)

### **Sec. 35.1-71. Schools, colleges, and vocational schools.**

Schools, colleges, and vocational schools **permitted by conditional use permit** shall conform to the following requirements:

(a) Minimum area, frontage and setback requirements.

(1) Kindergartens.

Number of children enrolled	Lot size (square feet)	Frontage (feet)
Up to	55,000	50
6 to 10	7,000	70
11 to 20	10,000	100
Over 20	500 per child	200

(2) Elementary schools. Minimum usable lot area: five (5) acres plus one (1) acre for each one hundred (100) pupils; frontage: two hundred (200) feet; setback: twenty-five (25) feet from all lot lines.

(3) Junior high schools. Minimum usable lot area: ten (10) acres plus one (1) acre for each one hundred (100) pupils; frontage: three hundred (300) feet; setback: fifty (50) feet from all lot lines.

(4) Senior high schools. Minimum usable lot area: ten (10) acres plus one (1) acre for each one hundred (100) pupils; frontage: three hundred (300) feet; setback: fifty (50) feet from all lot lines.

(5) Colleges, junior colleges and universities. Grades above the level of twelve (12). Minimum usable lot area: fifty (50) acres plus one (1) acre for each one hundred (100) pupils; frontage: five hundred (500) feet; setbacks: one hundred (100) feet from all lot lines.

(6) Schools with residence accommodations. In addition to meeting the area requirements enumerated above, schools with residence accommodations shall provide an additional five hundred (500) square feet of usable lot area for each site resident. Residents shall include students, whether housed in dormitories, fraternity houses or other living quarters; staff members and their families; and caretakers and their families who sleep for any part of the school year on the zoning lot.

**(7) Sources of potential nuisance factors, including cafeterias; power plants; kitchens; gymnasiums; unloading areas for supplies, food and garbage; and outdoor play areas shall be located a minimum of two hundred (200) feet from any residential zoning lot and shall be provided with buffer areas.**

(8) Access drives shall be located at least forty (40) feet from any adjacent residential zoning lot.

(b) In any district, a school may be erected to a greater height than permitted in the schedule of regulations, provided that front, side and rear yards shall be increased one (1) foot for each foot by which such building exceeds the height limitation established for the district in which such building is located.

(c) The installation of a temporary modular classroom unit(s) at an existing school may be exempt from obtaining a Conditional Use Permit (CUP) provided that the following conditions are met:

(1) the need for the classroom unit(s) shall be of an emergency nature, which need could not have been foreseen enough in advance to follow the usual CUP application/public hearing process;

(2) a written request describing the proposal and a site plan shall be submitted to the Director of Community Planning and Development;

(3) the classroom unit(s) shall be installed on a temporary basis to be in place no longer than the current school year. If, at the end of the current school year, it is determined that there is a continued need for the classroom unit(s) in that location, then a CUP petition shall be submitted; and the established CUP application/public hearing process shall be followed;

(4) the unit(s) shall be located on the school property in such a way as to minimize impact on the neighborhood;

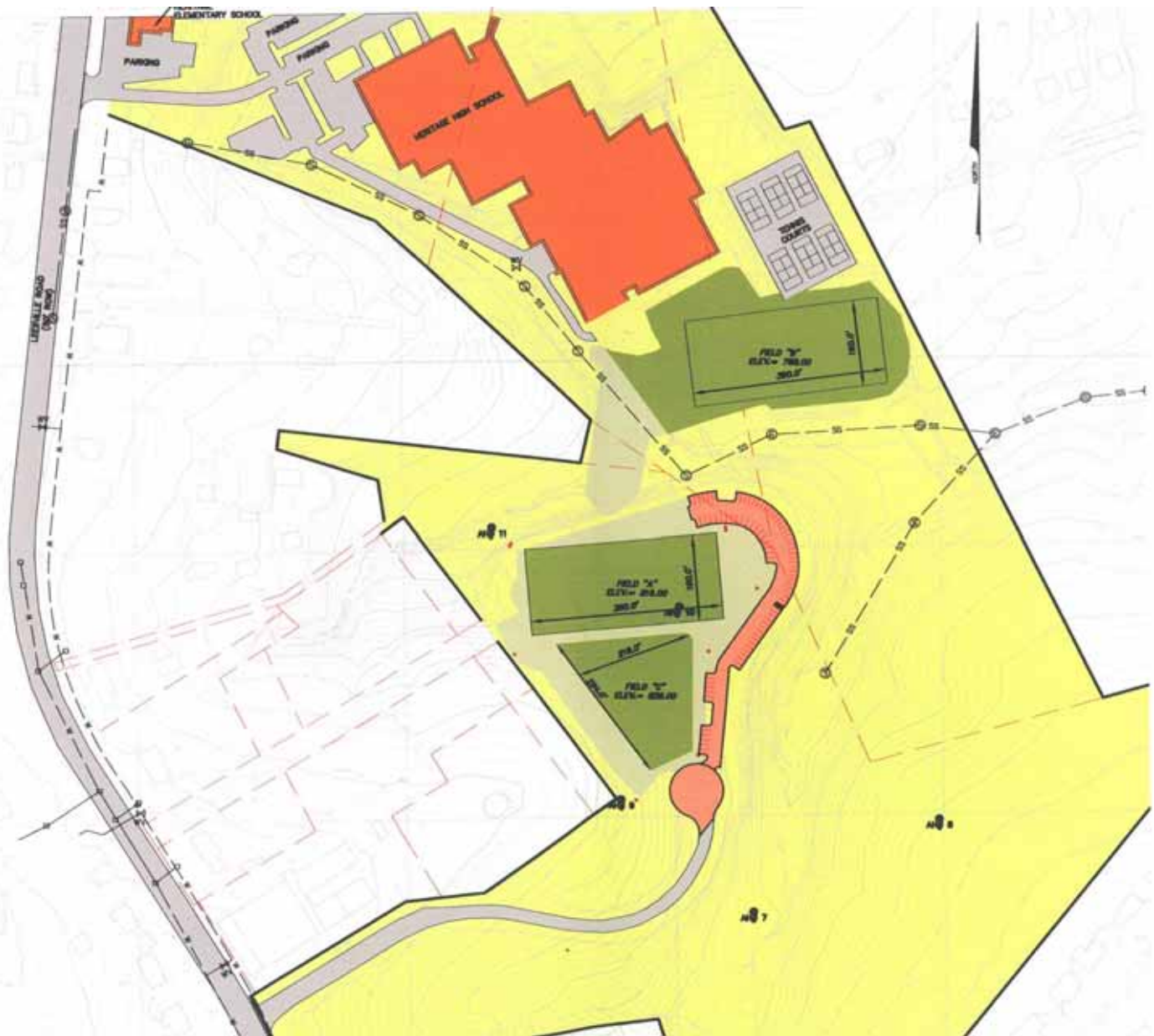
(5) adequate landscaping shall be provided to buffer the unit(s) from adjacent residential areas;

(6) the exterior lighting for the modular classroom units(s) shall be controlled so that direct illumination shall not be visible beyond the property line; and

The Technical Review Committee (TRC) will review each request and make a recommendation to the Director of Community Planning and Development. If it is determined that all of the above conditions have been met, the Director may issue a written approval for the installation of the classroom unit(s).

In the event of a substantive, later objection from the public, such administrative approval may be revoked by the Director with referral of the matter to the Planning Commission and City Council for a decision according to the established CUP application/public hearing process.

(7) the proposal shall comply with any additional conditions which are deemed to be necessary or appropriate by the Director of Community Planning and Development. (Ord. No. O-78-352, 12-12-78; Ord. No. O-91-092, 5-14-91; Ord. No. O-93-100, 4-13-93)





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- ☒ / Corporate Limit
- ☐ / Railroads
- ☒ / City Streets
- ☒ / Rivers Streams
- ☒ x Parcels
- ☐ Buildings
- ☐ / Pavement Sidewalk
- ☐ Parking
- ☒ R Aerial Photo April 2003
- ☐ Airzone
- ☐ x Census Tracts 2000
- ☐ Local Historic District
- ☐ State/Natl Historic District
- ☐ x Planning Neighborhoods
- ☒ x Zoning
- ☐ Cond Use Permit
- ☐ Future Land Use
- ☐ Mixed Land Use
- ☐ Enterprise Zone
- ☐ Commercial Corridor
- ☐ Scenic Corridor
- ☐ x Political Jurisdictions
- ☐ T Wards
- ☒ T Miscellaneous Labels
- ☐ / Topography



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Colored maps submitted by  
Dr. Roger Roberts, Principal  
Heritage High School

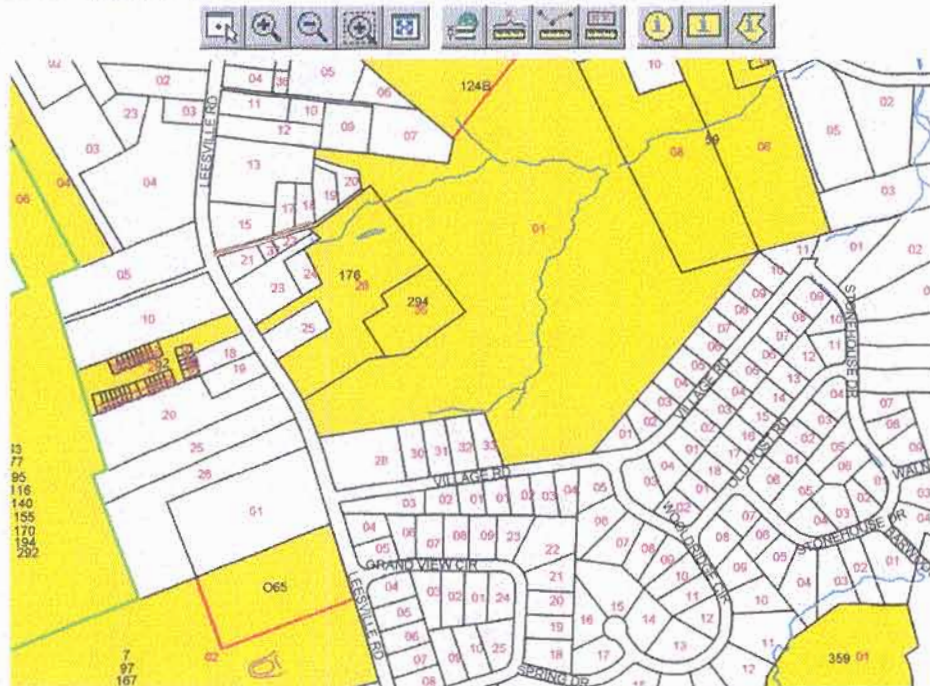
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